

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND J. CAREY,

Plaintiff,

Case No. 11-10818

v.

Hon. John Corbett O'Meara

FOLEY & LARDNER LLP,

Defendant.

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ORDER OF PARTIAL DISMISSAL

On February 28, 2011, Plaintiff Raymond J. Carey filed a complaint against Foley & Lardner LLP, setting forth the following causes of action: Count I, breach of contract; Count II, promissory estoppel, Count III, fraudulent misrepresentation; Count IV, conversion; Count V, unjust enrichment; Count VI, gender discrimination under state law; Count VII, race discrimination under state law; Count VIII, age discrimination under state law; and Count IX, violation of the Equal Pay Act.¹

Foley & Lardner LLP is organized as a limited liability partnership. For purposes of diversity jurisdiction, Foley & Lardner is a citizen of the every state in which its partners reside. See V & M Star, LP v. Centimark Corp., 596 F.3d 354, 355-56 (6th Cir. 2010). Foley & Lardner has partners in Michigan, including Plaintiff. Accordingly, diversity jurisdiction does not exist here.

Plaintiff's only federal claim arises under the Equal Pay Act. Although this claim is cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiff's remaining eight claims are

¹ The complaint contains three counts labeled as "Count VII." The court has re-labeled the claims in order for convenience.

based upon state law. The court declines to exercise supplemental jurisdiction over Plaintiff's state law claims, because it concludes that they "substantially predominate" over the Equal Pay Act claim. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, IT IS HEREBY ORDERED that Plaintiffs' state law claims are DISMISSED WITHOUT PREJUDICE.

s/John Corbett O'Meara
United States District Judge

Date: May 12, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 12, 2011, using the ECF system.

s/William Barkholz
Case Manager